

To: William Ruckelshaus, Chair
Members of the Puget Sound Partnership (PSP) Leadership Council
Members of the PSP Ecosystem Coordination Board
AWC Puget Sound Advisory Group
David Dicks, PSP Executive Director

From: Jeanne Burbidge, Federal Way City Councilmember
City Representative to the PSP Ecosystem Coordination Board

Subject: Initial Thoughts on *Emerging PSP Action Agenda Themes*

Date: May 30, 2008

Thank you for the opportunity to serve on the Ecosystem Coordination Board as the representative for the 112 cities in the 12 county Puget Sound region. The Board met yesterday and discussed the PSP staff's just-released paper on *Emerging Action Agenda Themes*.

In consultation with staff from the Association of Washington Cities (AWC), I would like to offer our initial reactions to these *Themes*. In doing so, please recognize that most of the 112 cities in the region haven't seen this document. AWC has a Puget Sound Advisory Group that will help provide additional feedback on these *Themes* and other interest group perspectives. AWC is now in the process of preparing our own *Puget Sound Recovery Principles* from cities that we'll share with you by the June 12th meeting of the Leadership Council.

Principles for Choosing Priority Strategies

- Nine principles are identified and all seem appropriate.
- The list may well not be complete and I would hope the Partnership will remain open to comments and suggestions from others on what else might be included. For instance, there isn't a specific recognition that recovery actions will cost money – likely significant amounts of it. Shouldn't there be a principle that recognizes this challenge and that implementation of action items need to be accompanied by sufficient funding? Likewise, shouldn't strategies that get the “biggest bang for the buck” be those given the highest priority?
- Cities will likely appreciate and support pursuit of *proactive solutions*, rather than reacting after the damage is done. Refreshing!
- Cities will also likely support the idea of *addressing multiple threats and their interactions*, rather than looking at problems separately. As an example, cities have experience working with state agencies whose mission may be to save or protect habitat. These agencies aren't currently equipped to look at potential conflicts cities might have when balancing the need to provide opportunities for accommodating growth within urban growth areas while at the same time protecting habitat. Cities will welcome opportunities to sort through such issues.

The Four Emerging Themes

Theme A: Protect ecologically important places now – *Place a special emphasis on protecting high quality ecological function, process, and structure for both upland and marine areas.*

- Cities will appreciate another voice in support of efforts to encourage density in urban and urbanizing areas.
 - All 112 cities in the region are fully planning under the Growth Management Act (GMA). Cities are active Partners in helping meet the goal of managing growth and accommodating it within the “right places”.
 - Planning for growth in the “right places” is one thing. Having it happen and sustaining it is another and requires the active engagement and support of service providers, employers, developers, schools and many others.
- Accommodating growth and density require strategic investments and cities are having trouble keeping up with those.
 - If protecting and restoring Puget Sound to health is to occur, investments need to be made to make sure cities are places where people want to live, work and play.
- Cities already balance competing priorities and demands when planning for and accommodating growth.
 - Placing greater emphasis on protection of ecologically important places in cities required and encouraged to accommodate growth and increased densities will undoubtedly require patience and “trade-offs” that can and should be considered during scheduled updates of local GMA plans/regulations and Shoreline Master Act Programs (SMA).
- It appears that “upland” cities may not yet be as engaged in or clear about their role in helping protect and restore the health of the Sound as are cities closer to it.
 - Special attention needs to be given to educating these cities and their citizens on how their actions impact the health of the Sound.
- It might be helpful for the Partnership to affirm that cities have an obligation to plan for and accommodate growth and that part of the opportunity in protecting and restoring the Sound’s health is to do so while embracing growth.
 - By law, cities in the region don’t have a choice but to plan for increased growth. Under the GMA, the job of cities is to say “yes” to growth and development (in the “right places”) whereas counties in part must say “no”.

Theme B: Implement restoration projects that provide high ecological benefit – *Many plans already identify high priority areas for action and need to be implemented from an ecosystem perspective.*

- Many planning and restoration efforts are currently underway and this good work needs to be recognized and supported to the greatest extent possible.
 - Much of the success of these efforts is due to the active dedication of citizen volunteers who we need to keep engaged in local projects.
- Ecosystem planning is appropriate, but not uncomplicated.
 - Defining ecosystem boundaries and working with all the players isn't always easy and we shouldn't pretend it is.
 - There's an opportunity to better coordinate the messages and priorities of individual state agencies and other entities whose efforts aren't always consistent – of particular concern for cities being that priorities and projects don't always fit well with urbanizing areas.

Theme C: Reduce water pollution with a special emphasis on stormwater runoff – Reduce loadings of pollutants so we have clean fresh and marine waters.

This is a huge and complex issue and cities are on the front line. Some background follows that may be helpful in understanding the role, responsibilities and opportunities available for cities to help with this critical priority.

- 74 of the region's 112 cities are required to obtain a NPDES Phase I or Phase II Municipal Stormwater Permits. These 74 cities represent 96% (2,607,855) of the total incorporated population in Puget Sound (2,705,021)¹.
- There are 38 cities in the 12 Puget Sound counties not covered by the NPDES Phase I or II permits. The total population in these cities is 97,166, which represents 4% of the total incorporated population in the 12 Puget Sound counties.
- These permits cover discharges from municipal separate storm sewers.
 - The Phase I municipal stormwater permit affects the cities of Tacoma and Seattle and was first issued in 1995 and reissued by the Department of Ecology on January 17, 2007.
 - The new NPDES Phase II permit affects 72 Puget Sound cities and was issued only a little over 1 year ago on February 7, 2007.
- The permits are designed in a phased-approach and cities have a five-year implementation schedule. Cities are and will be implementing the following minimum permit measures: public education & outreach; public involvement and participation; Illicit discharge detection and elimination; controlling runoff from development; and pollution prevention for municipal operations.
- The NPDES Phase I and II permits establish the regulatory and programmatic stormwater framework for the majority of Puget Sound cities.
- Phase I and Phase II cities are making significant investments and efforts to meet the financial and programmatic challenges posed by the requirements of the permits.
- Due to the diverse nature of permitted cities, the nature, scope, type and functions of stormwater programs in Phase I and Phase II cities varied greatly at the time of

¹ Washington State Office of Financial Management, <http://www.ofm.wa.gov/pop/aprill/default.asp>.

issuance of the permits, resulting in varying gaps, opportunities, challenges and needs relevant to permit implementation.

In cooperation with AWC, I offer the following for your consideration in regard to any engagement on Municipal Stormwater issues by the Partnership:

- **Please recognize the NPDES Phase I & II Permit obligations and responsibilities as the authorizing and operating stormwater environment for Phase I & II cities.**

Any analysis or recommendations that affect stormwater management must consider, acknowledge and be synchronous with the obligations, requirements and efforts of cities implementing the Phase I and II permits.

- **Support Cities' Efforts to Implement the NPDES Phase I & II Permits**

Returning to a debate about the content of the current permits and attempts to change them will not improve stormwater management in Puget Sound. Let them be fully implemented under the current permit requirements while discussing the contents of the next permits. The most significant action the Partnership can take to improve stormwater management and stormwater quality in Puget Sound is to support both financially and technically the efforts of cities to implement the Phase I & II permits.

- **Hold Cities Accountable Only for Pollutants for Which Cities Have Responsibility and an ability to affect**

Stormwater pollutants result from the way we live and function as a society – they come from products we use and activities we engage in as a developed society. Pollutants flow from rooftops, parking lots, agriculture, roadways and more to the Sound. Cities have been delegated the responsibility for managing this polluted runoff if it gets into their stormwater system. Through the Phase I & II permits, there are specific discharges for which cities are and are not responsible, such as discharges from *their* stormwater systems vs. discharges from private systems to waters of the state.

Analysis or recommendations by the Partnership needs to recognize the parameters, limitations and anticipated outcomes of the permits along with the timelines established within the permits. Further, the Partnership needs to recognize that barring state or federal actions to limit certain pollutants in consumer products such as copper in brake linings, there is little local jurisdictions can do to remove it from stormwater, both from a technical perspective as well as a fiscal one.

- **Include Experienced Practitioners from Cities in Future Stormwater Assessment**

Cities are among the entities primarily responsible for managing stormwater in Washington. As the Partnership continues to evaluate stormwater relative to the Action Agenda, practitioners from cities need to be consulted and must be included in any formal stormwater-related groups formed by the Partnership.

Theme D: Build an accountable system for success – Implement system accountability and redesign how we approach protection and restoration of Puget Sound.

- Cities likely wouldn't disagree that we currently have a "fragmented and uncoordinated approach to protecting and restoring Puget Sound."
- Likewise, cities wouldn't disagree that the current system of planning, prioritization, regulation and project funding at both the state and local levels could be improved.
- Cities want and need to be an active partner in helping figure out improvements to the system so it all benefits protection and restoration of the Puget Sound.
- Any such efforts can't replace a system that is fragmented and has sometimes conflicting priorities with one that only addresses Puget Sound. The other priorities – such as accommodating growth in the "right places", need to also be addressed and considered.

Thank you again for the opportunity to be engaged in this most important effort. I appreciate your consideration of these comments and I welcome a continued dialogue among cities and the Partnership.